

REMARKS

This Amendment is being filed in response to the Office Action mailed on January 21, 2011, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-2 and 4-8 are pending in this application, where claims 1 and 4-8 are independent.

In the Office Action, claims 1-2 and 4-8 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2003/0103429 (Senshu). Applicant respectfully traverses and submits that claims 1-2 and 4-8 are patentable over Senshu for at least the following reasons.

Senshu is directed to a method of prerecording shipping-time information, which compensates embossed pits. On page 2, last three lines of the Office Action, it is correctly noted that Senshu does not disclose or suggest "wherein the part for distinguishing the synchronization patterns consists only of the bit sequence 100 101 or of the bit sequence 010 101, and is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11," as recited in independent claim 1, and similarly recited in independent claims 4-8. It is alleged that this feature is not inventive as being optimum or workable range, absent criticality.

It is respectfully submitted that the particular distinguishing part of the

synchronization patterns that consists only of the bit sequence 100 101 or of the bit sequence 010 101, and is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11, is critical to providing additional distinct sync-color patterns that comply with acceptable formats and standards, such as the Blu-ray Disc standard, with reduced or eliminated violations, such as Repeated Minimum Transition Runlength (RMTR) violations, as described on page 2, lines 3 to page 2, lines 17 of the specification, for example.

It is respectfully submitted, that one skilled in the art would not recognize any criticality from the disclosure in Senshu, let alone recognizing that the particular distinguishing part of the synchronization pattern recited in independent claims 1 and 4-8, provide any substantial benefits. Accordingly, Senshu does not render obvious having "the part for distinguishing the synchronization patterns consists only of the bit sequence 100 101 or of the bit sequence 010 101, and is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11," as recited in independent claim 1, and similarly recited in independent claims 4-8.


Based on the foregoing, it is respectfully requested that independent claims 1 and 4-8 be allowed. In addition, it is respectfully submitted that claim 2 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections

and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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